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HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 3891 of 2007

PETITIONER : T.S.Patel, son of Late Sukhlal Patel, aged about 58 years, Asstt. Soil Conservation Officer, Sub Division Bemetara, Distt. Durg (C.G.)

VERSUS

RESPONDENTS : 1. State of Chhattisgarh through the Secretary, Department of Agriculture, DKS Bhawan, Mantralaya, Raipur (C.G.)
2. Director, Agriculture Raipur (C.G.)
3. V.P.Choubey, Office of Dy. Director, Agriculture, Durg (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Single Bench : Hon'ble Justice Shri Satish K. Agnihotri.

Present: Dr. N.K.Shukla, Senior Advocate with Shri Chandresh Shrivastava, Advocate for the petitioner.
Shri A.S.Kachhwaha, Govt. Advocate for the State/ respondents 1 & 2

ORDER
(Passed on 11th day of July, 2007)

1. The petitioner, who was working as Senior Agriculture Development Officer, Saja, was transferred on promotion on 22.12.2006 (Annexure P/2). Thereafter, the petitioner joined on promoted post as Assistant Soil Conservation Officer at Bemetara, District Durg. The petitioner, vide the impugned order dated 28.6.2007 (Annexure P/1), has been transferred from Bemetara, District Durg, to Rajnandgaon, alongwith 12 more persons due to administrative reasons.

2. Learned counsel appearing for the petitioner impugns the validity of the order on three grounds. Firstly, the petitioner has been transferred within a period of six months, secondly, there was no administrative exigency

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and lastly, the petitioner has two years of service left before the age of retirement.

3. The above stated grounds deserve to be noted only for rejection as the petitioner was earlier transferred on promotion and the ground that there was no administrative exigency and the transfer has been made to adjust respondent No. 3, is not established by any documentary evidence or otherwise, except self-same statement. So far as the petitioner's service for two years before retirement is concerned, that cannot be the ground for declaring the transfer as invalid as the policy itself indicates that an employee should not be transferred in the last one year before retirement and that too, as far as possible.

4. In view of the foregoing, there is no merit in this case. Thus, this petition is dismissed summarily.

Sd/-
Satish K. Agnihotri
Judge